



Docket H10109JDP  
Customer No. 01333

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of

Karl Heinz Kremer, et al.

LATE BINDING OF TAB IMAGE  
CONTENTS TO ORDERED TAB  
STOCK

Serial No. 09/754,562

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Group Art Unit: 2625

Examiner: Satwant K. Singh

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**APPEAL BRIEF PURSUANT TO 37 C.F.R. 41.37 and 35 U.S.C. 134**

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## **I. Table Of Contents**

<u>I. Table Of Contents</u> .....	i
<u>II. Real Party In Interest</u> .....	1
<u>III. Related Appeals And Interferences</u> .....	2
<u>IV. Status Of The Claims</u> .....	3
<u>V. Status Of Amendments</u> .....	4
<u>VI. Summary of Claimed Subject Matter</u> .....	5
<u>VII. Grounds of Rejection to be Reviewed on Appeal</u> .....	7
<u>VIII. Arguments</u> .....	8
<u>IX. Conclusion</u> .....	10
<u>X. Appendix I - Claims on Appeal</u> .....	11
<u>XI. Appendix II - Evidence</u> .....	17
<u>XII. Appendix III – Related Proceedings</u> .....	18



## **APPELLANT'S BRIEF ON APPEAL**

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's Final Rejection of Claims 1-19 which was contained in the Office Action mailed July 31, 2006.

A timely Notice of Appeal was filed on September 15, 2006.

### **II. Real Party In Interest**

Eastman Kodak Company is the real party in interest.

### **III. Related Appeals And Interferences**

No appeals or interferences are known which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

#### **IV. Status Of The Claims**

Claims 1-19 stand finally rejected and are the subject of this appeal.

Appendix I provides a clean, double spaced copy of the claims on appeal.

## **V. Status Of Amendments**

No amendments have been submitted subsequent to the July 31, 2006 Office Action.

## **VI. Summary of Claimed Subject Matter**

Claims 1-19 are pending, with Claims 1, 6, 11, and 16 in independent form.

Independent Claim 1 requires a printing system for printing a document. The printing system includes a job preparation station, including a processor, a memory, and a user interface. The job preparation station is configured at least to generate flags stored in the memory for each of a plurality of pages in a document to be printed. The flags are generated in response to first inputs received from the user interface. The first inputs specify that selected pages in the document include tabs, and the flags indicate that the selected pages in the document contain the tabs. The job preparation station also is configured to store specified characters for each of the selected pages to be rendered on the tabs. The specified characters for each of the selected pages are stored in the memory in a non-image format and are stored in response to second inputs received from the user interface. Additionally, the job preparation station is configured to store, on a plurality-of-page basis, global tab stock data in the memory identifying the tab stock to be used for printing all of the selected pages. The global tab stock data is stored in response to a third input received from the user interface. The printing system also includes a print output module that receives the flags, specified characters to be rendered on the tabs, and the global tab stock data from the job preparation station and prints the specified characters on the tabs of the specified pages of the identified tab stock.

Notable features of Claim 1 include the storage of the specified characters for each of the selected pages in a memory in a non-image format, and the storage, on a plurality-of-page basis, of global tab stock data identifying the tab stock to be used for printing all of the selected pages. Support for these features can be found in the specification at least at page 22, line 7 to page 23, line 14. An advantage of storing the specified characters for each of the selected pages in a non-image format is that it reduces storage space and processing requirements for manipulating such information. An advantage of storing global tab stock data on

a plurality-of-page basis is that it reduces the amount of storage required for specifying what tab stock should be used for the selected pages.

Independent Claim 1 will be treated as representative of all claims for purposes of this Appeal.



## **VII. Grounds of Rejection to be Reviewed on Appeal**

The following issues are presented for review by the Board of Patent Appeals and Interferences:

1. Claims 1-3, 5-8, 10-13, 15, and 16-18 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,337,161 (Hube).
2. Claims 4, 9, 14, and 19 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over the Hube Patent in view of U.S. Patent No. 6,052,198 (Neuhard et al.).

## **VIII. Arguments**

### **A. Remarks Pertaining to the Rejection of Claims 1-3, 5-8, 10-13, 15, and 16-18 under 35 U.S.C. §102(b) as allegedly anticipated by the Hube Patent**

As stated above, Claim 1 will be treated as representative of all Claims for purposes of this Appeal. Also as stated above, notable features of Claim 1 include the storage of the specified characters for each of the selected pages in a memory in a non-image format, and the storage, on a plurality-of-page basis, of global tab stock data identifying the tab stock to be used for printing all of the selected pages. Support for these features can be found in the specification at least at page 22, line 7 to page 23, line 14. An advantage of storing the specified characters for each of the selected pages in a non-image format is that it reduces storage space and processing requirements for manipulating such information. An advantage of storing global tab stock data on a plurality-of-page basis is that it reduces the amount of storage required for specifying what tab stock should be used for the selected pages.

Contrary to Claim 1, the Hube Patent is understood to store and process tab images that are rendered onto the tabs of selected pages. (Emphasis added). See column 8, line 29, to column 9, line 32. As described in this portion of the Hube patent, cumbersome image processing tasks must be performed to extract and display the information that should be printed on the page tabs. The Examiner appears to agree with Appellants' understanding of the Hube Patent in this regard, because the Final Office Action refers to a "tab image" according to the Hube Patent. See page 3, line 8 of the Final Office Action. On the other hand, Claim 1 requires that the information to be rendered on the tabs be characters, which are stored in a non-image format.

Further, the Hube Patent is understood to disclose storing a tab stock type on a page-by-page basis. (Emphasis added). See column 8, lines 18 – 28 ("the stock type, as recorded in a page ticket for a specified page image is changed to match the specified tab type (S27). The page ticket refers to the data structure that contains page-level programming parameters, such as, type of stock,

color of stock . . . .”) (emphasis added). The Hube Patent is understood to disclose a page ticket for each page, in which a stock type is stored. Accordingly, Appellants understand that the Hube patent identifies, for every page, what stock type should be used. In contrast, Claim 1 requires that global tab stock data identifying the tab stock to be used for printing all of the selected pages be stored on a plurality-of-page basis. The Examiner refers to the Hube Patent’s page tickets as allegedly teaching this feature of Claim 1. See page 3, lines 9-12 of the Final Office Action. For at least these reasons, Appellants submit that Claim 1 is patentable over the Hube patent and request reversal of the §102(b) rejection of Claim 1.

Independent Claims 6, 11, and 16 include features similar to those described above with respect to Claim 1. In particular, Claims 6, 11, and 16 all require that the specified characters for each of the selected pages be stored in a non-image format, and that information identifying the specific tab stock is stored on a plurality-of-page basis. Accordingly, Claims 6, 11 and 16 are submitted to be patentable for at least the same reasons as discussed above in connection with Claim 1. Therefore, reversal of the §102(b) rejections of these claims also is respectfully requested.

Dependent Claims 2, 3, 5, 7, 8, 10, 12, 13, 15, 17, and 18 depend from one of the independent claims discussed above, and are submitted to be patentable for at least the same reasons discussed above. Therefore, reversal of the §102(b) rejections of these claims also is respectfully requested.

B. Remarks Pertaining to the Rejection of Claims 4, 9, 14, and 19 under 35 U.S.C. §103(a) as allegedly unpatentable over the Hube Patent in view of the Neuhard et al. Patent

Claims 4, 9, 14, and 19 depend from one of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Therefore, reversal of the §103(a) rejections of these claims is respectfully requested.


## **IX. Conclusion**

For at least the above reasons, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the rejections by the Examiner and mandate the allowance of Claims 1-19.

Respectfully submitted,

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Enclosures

If the Examiner is unable to reach the Appellant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

  
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## **X. Appendix I - Claims on Appeal**

1. A printing system for printing a document, said printing system comprising:

a job preparation station, including a processor, a memory, and a user interface, said job preparation station configured at least to:

generate flags stored in the memory for each of a plurality of pages in a document to be printed, the flags being generated in response to first inputs received from the user interface, the first inputs specifying that selected pages in the document include tabs, the flags indicating that the selected pages in the document contain the tabs,

store specified characters for each of the selected pages to be rendered on the tabs, the specified characters for each of the selected pages being stored in the memory in a non-image format and being stored in response to second inputs received from the user interface, and

store, on a plurality-of-page basis, global tab stock data in the memory identifying the tab stock to be used for printing all of the selected pages, the global tab stock data being stored in response to a third input received from the user interface; and

a print output module that receives the flags, specified characters to be rendered on said tabs, and the global tab stock data from the job preparation station and prints the specified characters on the tabs of the specified pages of the identified tab stock.

2. The printing system of claim 1 wherein each of the flags and the specified characters for each of the selected pages are stored as objects.
3. The printing system of claim 2 wherein said objects are page objects.
4. The printing system of claim 3 wherein said objects comprise PDF objects.
5. The printing system of claim 1 wherein a tab sheet is created as an additional page to the document.

6. A printing system for printing a document, said printing system comprising:

a job preparation station, including a processor and a memory, said job preparation station generating a flag stored in the memory indicating that a selected page in a document to be printed includes a tab;

a user interface including an input device for a user to specify the selected page and tab label information to be rendered on said tab and to allow the user to select a specific tab stock to be used for all pages having tabs in the document, the tab label information being entered independent of the ~~tab~~ specific tab stock, and the selected specific tab stock being stored in the memory on a plurality-of-page basis; and

a print output module that receives the flag and the tab label information to be rendered on said tab and prints said tab label information on said tab of the selected page of the specific tab stock,

wherein the specified characters for each of the selected pages are stored in a non-image format.

7. The printing system of claim 6 wherein the flag and the tab label information are stored as objects.

8. The printing system of claim 7 wherein said objects are page objects.

9. The printing system of claim 8 wherein said objects comprise PDF objects.

10. The printing system of claim 6 wherein a tab sheet is created as an additional page to the document.

11. A method of printing a document on a printing system including a print output module, said method comprising:

generating flags stored in a first memory region for each of a plurality of pages in a document to be printed, the flags indicating that selected pages in a document to be printed include tabs;

storing specified characters for each of the selected pages to be rendered on the tabs, the specified characters for each of the selected pages being stored in a second memory region in a non-image format; and

storing, on a plurality-of-page basis in a third memory region, global tab stock data identifying tab stock to be used for printing all of the selected pages; and

printing the specified characters on the tabs of the selected pages of the specified tab stock, based at least upon the flags, the specified characters for each of the selected pages, and the stored global tab stock data.

12. The method of claim 11 wherein each of the flags and the specified characters for each of the selected pages are stored as objects.



13. The method of claim 11 wherein each of the flags and the specified characters for each of the selected pages are stored as page objects.

14. The method of claim 11 wherein each of the flags and the specified characters for each of the selected pages are stored as PDF objects.

15. The method of claim 11 further comprising creating a tab sheet as an additional page to the document.

16. A method for printing a document on a printing system including a print output module, said method comprising:

generating a flag indicating that a selected page in a document to be printed contains a tab;

receiving tab label information to be rendered on said tab;

receiving information specifying a specific tab stock to be used for all pages having tabs in the document, the tab label information being received independent of the specific tab stock, and the selected specific tab stock being stored in the memory on a plurality-of-page basis;

printing the tab label information on the tab of the selected page of the specific tab stock, based at least upon the flag, the tab label information, and information specifying the specific tab stock,

wherein the specified characters for each of the selected pages are stored in a memory in a non-image format.

17. The method of claim 16 further comprising storing the flag and tab information as objects.

18. The method of claim 17 wherein said step of storing comprises storing objects are page objects.

19. The method of claim 18 wherein said step of storing objects as page objects comprises storing objects as PDF objects.

## **XI. Appendix II - Evidence**

None.

## **XII. Appendix III – Related Proceedings**

None.